

HOUSE BILL 3611

By Miller D

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 49, relative to school attendance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-3007(h), is amended by adding the following language as new, appropriately designated subdivisions:

() "Excused absence" means an absence of a student from school for which the student:

(A) Presents a note signed by a parent or guardian requesting that the absence be excused; provided, however, that a student shall not be excused in this manner more than three (3) times in a semester or six (6) times in a school year for grades six through twelve (6-12) and more than ten (10) times in a school year for grades kindergarten through five (K-5);

(B) Is bereaved because of a death in the student's immediate family; provided, that the student presents as proof of the death an obituary or funeral notice. Excused absences for bereavement are limited to no more than three (3) days per bereavement;

(C) Is ill or is absent because of the student's medical condition; provided, that the student presents as proof of the medical excuse a note from a doctor or school nurse attesting to the illness or medical condition;

(D) Is absent to visit a college the student may wish to attend; provided, that the student is in grades eleven (11) or twelve (12) and notifies the student's school prior to making the college visit. A student shall not be granted an

excused absence for more than three (3) days for college visits per school year;

or

(E) Is excused under § 2-4-103(e), § 49-6-3002(c), § 49-6-3018 or § 49-6-3019;

() "Immediate family" includes and is limited to parents, siblings and grandparents and family members living in the same household as the student. A school administrator at the administrator's discretion may allow bereavement excused absences for other close family members;

() "Unexcused absence" means any absence from school by a student that is not an excused absence;

SECTION 2. Tennessee Code Annotated, Section 49-6-3007, is further amended by adding the following language as new subsections (f), (g), (h) and (i) and by redesignating subsequent subsections accordingly:

(f)

(1) One (1) absence shall be recorded for a student for each five (5) tardies or early dismissals, or any combination of tardies and early dismissals equaling five (5), that the student receives. The absence shall be recorded as excused or unexcused depending on whether the tardies or early dismissals would have been excused or unexcused had the student been absent instead.

(g) Students may be allowed to earn back attendance time by performing school-sponsored service, such as cleaning up after games. Credit for school-sponsored service is limited to two (2) class periods per semester per class on an equal time basis. Partial credit may not be earned.

(h) For purposes of this section and § 37-1-102(b)(25)(A)(i), a student who has been absent:

(1) An aggregate five (5) days without adequate excuse shall be deemed habitually truant; and

(2) An aggregate ten (10) days without adequate excuse shall be deemed chronically truant.

(i) Any student who was deemed chronically truant in the previous semester or school year may be subject to the same consequences as if the student were already classified as habitually truant at the beginning of the current term. These consequences may include, but are not limited to, attendance contracts, referral to juvenile court, the attendance review committee or teen court and other similar measures developed by a school district to address truancy problems.

SECTION 3. Tennessee Code Annotated, Section 49-6-3018, is amended by deleting the words "shall be credited as present" in the last sentence of the section and by substituting instead the words "shall be granted an excused absence".

SECTION 4. Tennessee Code Annotated, Section 49-6-3007(i)(3), is amended by deleting the subdivision in its entirety.

SECTION 5. Tennessee Code Annotated, Section 37-1-132, is amended by adding the following language as new subsection (d):

(d) If a child who is fourteen (14) years of age or older is found to be unruly because of habitual or chronic truancy, as defined in § 49-6-3007(h), then the judge shall determine whether ordering the child to perform community service is in the child's best interest and, in the judge's discretion, may require the child to perform community service in accordance with § 37-1-131(a)(7).

SECTION 6. Tennessee Code Annotated, Section 37-1-102(b)(25)(A)(i), is amended by deleting the word "Habitually" and by substituting instead the language "Habitually or chronically".

SECTION 7. This act shall take effect July 1, 2012, the public welfare requiring it.